

coincident with a radius that forms the concave curvature of the domed portion; and

forming a plurality of perforations through said residual, said perforations having centerlines, said perforation centerlines being formed coincident to said centerlines of said plurality of depressions.

REMARKS

Claims 14 through 16, 18 through 20, and 24 through 26 are pending in this application. Applicants have amended claims 14, 15 and 16.

The drawings have been amended to correct typographical errors. Applicants corrected typographical errors in Figures 3C through 3E, 4 and 5. In Figures 3C through 3E, numeral 30 has been amended as 30'. In Figure 4, numeral 66 has been shown for clarity. In Figure 5, the underline has been removed from numeral 84 and a lead line has been included for clarity. A letter to the draftsman is being filed contemporaneously with this amendment. All changes are indicated in red ink. Applicants respectfully request entry and approval of the amendments to the drawings.

Applicants appreciate the opportunity provided by the Examiner in conducting the telephonic interview of August 16, 2002. In accordance with that interview, Applicants have amended claims 14, 15 and 16, and submit that the claims are in condition for allowance.

The Office Action has rejected claims 14, 15, and 18 through 20 under 35 U.S.C. § 112, first and second paragraphs based upon the claim language of "the plurality of perforations have at least two different diameters through the domed portion." As discussed during the telephonic interview, support for this language is found in Fig. 2a, as well as the specification at page 6, lines 4 through 20, which disclose slits having dish-like depressions. Such perforations have at least two different diameters through the domed portion of the vent disc. This is the same specification and claim language that issued as U.S. Patent No. 6,138,710.

The Office Action has rejected claims 14 through 16, 18 through 20, and 24 through 26 under 35 U.S.C. §102 as being anticipated by Greenwood (U.S. Patent No. 5,499,729). In particular, the Office Action asserts that through use of the claim language "along", "there is no requirement for the perforations to be formed parallel to or colinear with the

subject radii."

Applicants have amended claim 14 to clarify that the perforations each have centerlines and the plurality of perforations are formed with each of the centerlines coincident to a radius that forms the concave curvature of the domed portion. Further, claim 16 provides that the depressions are formed having centerlines coincident with a radius that forms the concave curvature of the domed portion and the perforations are formed having centerlines coincident to the centerlines of the plurality of depressions.

In Figure 17 of the Greenwood patent, the aperture line 73 is at an angle to (not coincident with) one of the radii that forms the curvature of the domed portion of the vent disc. Proof of this point is shown in the enlargement of Figure 17 (attached as Exhibit B to Applicants' Response to First Office Action). The enlarged view of Figure 17 shows a line that has been drawn by Applicants' attorney to clarify the following. The line along aperture line 73 is distinct from a line drawn along the perpendicular centerline of recess 74, which is coincident to the radius that forms the concave curvature of the domed portion. This line shows that aperture line 73 is disposed at an angle to (not coincident with) the drawn radius.

Thus, Figure 17 does not disclose or suggest the perforations each having centerlines and forming the plurality of perforations with each of the centerlines coincident to a radius that forms the concave curvature of the domed portion, as recited in claim 14. Figure 17 does not disclose or suggest depressions having centerlines coincident with a radius that forms the concave curvature of the domed portion and perforation centerlines being formed coincident to the centerlines of the plurality of depressions, as recited in claim 16.

The features as described in claims 14 and 16 provide improved and optimum venting over the vent discs of the Greenwood patent as sworn to in the Declarations of Manganiello and Chomik.

Claims 18 through 20, and 24 through 26 are dependent from claims 14 and 16 and thus are also not anticipated by Greenwood. Additionally, claims 18 through 20, and 24 through 26 have the feature of a plurality of perforations that include slits. Greenwood does not disclose or suggest a concavely curved domed portion of a vent disc that has a plurality of perforations that are slits. Rather, Greenwood teaches the use of circular perforations rather than slits:

Each aperture 73 is formed by straight pin puncture through the diaphragm 72 in the apex region of each hemispherical recess 74. The pin used (not shown) has **a circular cross-section**. (Col. 8, lines 57-60) (emphasis added).

Indeed, the shape of the Greenwood recess is dependent upon the circular cross-section of aperture 73:

Each aperture 73 is **a point in configuration** when diaphragm 72 is relaxed. **Circumferentially about the axis** of each aperture 73 a dish-like (preferably hemispherical) recess 74 is located on the concave surface 76 of the domed region 77 of the diaphragm 72. (Col. 8, lines 40-44) (emphasis added).

As shown in the Declarations of Manganiello and Chomik (attached as Exhibit A to Applicants' Response to First Office Action), the pin punctures of Greenwood sometimes leaked and sometimes did not vent satisfactorily. The Declarations show that Applicants' claimed vent disc with slits, provide improved vent discs over the vent discs disclosed in Greenwood. The Declarations show that the slits of the claimed vent discs do not leak and they vent satisfactorily. The Declarations also show that Applicants' vent discs are commercially successful and have been since 1998. Since 1998, in the U.S. alone, over five million of the claimed vent discs have been sold.

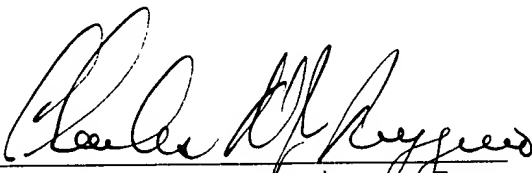
Moreover, the Office Action relies upon this geometric distinction in its analysis of Greenwood: "being that the

aperture is round, it does not matter from which cross sectional viewing angle the aperture is viewed."

The Office Action has rejected claims 18 through 20, and 24 through 26 under 35 U.S.C. §103 as being obvious in view of Greenwood. For the reasons discussed above, claims 14 and 16 are not anticipated by Greenwood. Thus, claims 18 through 20, and 24 through 26, which depend from claims 14 and 16, must be found non-obvious in view of Greenwood.

In view of the foregoing, Applicants respectfully submit that all claims present in this application patentably distinguish over the cited prior art. Accordingly, Applicants respectfully request favorable reconsideration and withdrawal of the rejections of the claims. Also, Applicants respectfully request that this application be passed to allowance.

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